

Amendment No. 1 to SB1298

**Massey
Signature of Sponsor**

AMEND Senate Bill No. 1298

House Bill No. 1322*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-132, is amended by adding the following as a new subsection:

(i)

(1) An entity that owns authorized emergency vehicles may purchase, install, operate, and maintain cameras on the vehicles, or may enter into a contract with a private vendor to purchase, install, operate, and maintain cameras on the vehicles on behalf of the entity, for the purpose of recording images of motor vehicles that are in violation of subsection (a) or (b).

(2) An entity that allows cameras on its authorized emergency vehicles shall create procedures for drivers of those vehicles to submit information that an alleged violation of subsection (a) or (b) has occurred. The procedures must require the driver to provide the date, location, and time of the alleged violation to the entity and must require the driver to provide a signed statement that the driver witnessed the alleged violation.

(3) An entity shall not submit evidence from a camera to local law enforcement officers without the information provided by a driver in accordance with subdivision (i)(2).

(4) Only POST-certified or state-commissioned law enforcement officers are authorized to review evidence from a camera and make a determination as to whether a violation of subsection (a) or (b) has occurred. Review of camera

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evidence is limited to footage of the alleged violation occurring at the date and time provided by a driver in accordance with subdivision (i)(2).

(5) Notwithstanding subsection (e):

(A) A first violation of subsection (a) or (b) that is based solely upon evidence provided by a driver and evidence from a camera that has been installed on the authorized emergency vehicle is a nonmoving traffic violation. The registered owner of the motor vehicle is responsible for payment of any notice of violation or citation, not to exceed fifty dollars (\$50.00), for a first offense citation issued as the result of evidence provided by a driver and evidence from a camera. However, the owner is not responsible for the violation if the owner submits:

(i) An affidavit stating the name and address of the person or entity that leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation; or

(ii) Within thirty (30) days of the mailing date of the notice of violation, an affidavit denying the owner was the operator of the motor vehicle at the time of the alleged violation due to theft and provide a certified copy of the police report reflecting that the motor vehicle or its plates were stolen at the time of the alleged violation; and

(B) A second or subsequent violation of subsection (a) or (b) that is based solely upon evidence provided by a driver and evidence from a

camera that has been installed on the authorized emergency vehicle is punished in accordance with subdivision (e)(1) and (2). However, the owner is not responsible for the violation if the owner submits:

(i) An affidavit stating the name and address of the person or entity that leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation; or

(ii) Within thirty (30) days of the mailing date of the notice of violation, an affidavit denying the owner was the operator of the motor vehicle at the time of the alleged violation due to theft and provide a certified copy of the police report reflecting that the motor vehicle or its plates were stolen at the time of the alleged violation.

(6)

(A) If a determination is made that a violation has occurred, the law enforcement agency shall send a notice of violation or a citation by first class mail to the registered owner of the motor vehicle that was captured by the camera. A notice of violation or a citation must be sent within twenty (20) business days after the occurrence of the violation, absent exigent circumstances arising from registration irregularities.

(B) All notices of violation or citations must have a Tennessee return address and all responses and payments must be made to an address in this state. A notice of violation or citation must allow for payment of the violation or citation within thirty (30) days of the mailing of the notice.

(C) No additional penalty or other costs must be assessed for nonpayment of a violation or citation that is based solely on evidence obtained from a driver and a camera to enforce or monitor violations,

unless a second notice is sent by first class mail to the registered owner of the motor vehicle and the second notice provides for an additional thirty (30) days for payment of the violation or citation.

(D) A citation based solely upon evidence obtained from a driver and a camera is invalid if the registration information of the motor vehicle for which the citation is issued is not consistent with the evidence recorded by the camera.

(7) The notice of violation or citation must state the following:

(A) The date, location, and time of the alleged violation;

(B) The amount of the fine being assessed; and

(C) The means by which the owner may elect to shift responsibility for the payment of the citation to the operator of the motor vehicle at the time of the alleged violation.

(8) The proceeds from any fine imposed by subdivision (i)(5)(A) that is based solely upon evidence obtained from a driver and a camera must be allocated as follows:

(A) Fifty percent (50%) to the entity, which may in turn use the proceeds for the purpose of defraying the costs of purchasing, installing, operating, or maintaining the camera, or reimbursing or compensating the vendor with which the entity contracted regarding the purchase, installation, operation, or maintenance of the camera;

(B) Forty percent (40%) to the department of transportation for advertising campaigns focused on safe driving practices; and

(C) Ten percent (10%) to the applicable law enforcement agency having jurisdiction over the location where the violation occurred.

(9) No more than one (1) citation must be issued pursuant to this subsection (i) for each distinct and separate violation of subsection (a) or (b).

(10) As used in this subsection (i), "camera" means any device that is capable of:

(A) Producing a digital photograph, recorded video, or other recorded image, including an image of a motor vehicle passing or overtaking an authorized emergency vehicle and the motor vehicle's license plate; and

(B) Recording the time, date, and location of a motor vehicle at the time the image is recorded.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to violations occurring on or after that date.